

of 3
UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

JOSHUA HAROLD CLARK

Bankruptcy Case #06-50059 RJK
Chapter 13

Debtor(s).

**NOTICE OF HEARING AND
MOTION FOR DISMISSAL**

Michael J. Farrell, Chapter 13 Trustee, hereby moves to dismiss the above-entitled Chapter 13 case.

1. The Court will hold a hearing on this motion at 10:00 a.m. on February 26, 2007 in Courtroom 2 – 4th Floor, 515 West 1st Street, Duluth, Minnesota, 55802.
2. Any response to this motion must be filed and delivered not later than 10:00 a.m. on February 21, 2007, which is three days before the time set for the hearing (excluding Saturdays, Sundays, and holidays), or filed and served by mail not later than February 14, 2007, which is seven days before the time set for the hearing (excluding Saturdays, Sundays, and holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**
3. The Debtor commenced this case by filing a voluntary Chapter 13 petition on March 3, 2006. This case is pending before this Court.
4. The Court has jurisdiction pursuant to 28 U.S.C. § § 157 and 1334. This motion is brought pursuant to 11 U.S.C. §1307, Bankruptcy Rule 1017 and Local Rule 1017.
5. The Debtor(s) have failed to maintain payments as outlined in the Court approved Plan. To date, the Debtor(s) have paid \$3,388.00. The current monthly payment is \$484.00. The last payment was on November 1, 2006 in the amount of \$484.00. The Debtor(s) are in default by a total of \$968.00. This amount is through December and does not include any payments that may come due before the hearing date.

WHEREFORE, the Trustee requests an order as follows:

- (A) Dismissing the above entitled Chapter 13 case; and
- (B) Granting any other relief the Court deems just and proper.

Dated: January 22, 2007

/s/ Michael J. Farrell
Michael J. Farrell, Standing Trustee
PO Box 519
Barnesville, MN 56514
(218) 354-7356

In Re:

JOSHUA HAROLD CLARK

Bankruptcy Case #06-50059 RJK
Chapter 13

Debtor(s).

The undersigned, being an employee of the standing Chapter 13 Trustee, declares that on the date indicated below, I served the following:

Notice of Hearing and Trustee's Motion to Dismiss
and Unsworn Declaration of Proof of Service

Upon each of the entities named below, by mail (unless otherwise indicated below) by mailing to each of them a copy thereof by enclosing same in an envelope with first class mail postage prepaid, and depositing same in the post office at Barnesville, Minnesota, addressed to each of them as follows:

Debtor(s):

JOSHUA HAROLD CLARK
513 5TH AVENUE NE
SAINT CLOUD, MN 56304

AND DELIVERED BY E-MAIL NOTIFICATIONS UNDER CM/ECF ON THE DAY E-FILED WITH THE COURT TO EACH ENTITY BELOW:

DEBTOR'S ATTORNEY:

WESLEY W. SCOTT
LUND KAIN & SCOTT P A

UNITED STATES TRUSTEE

WELLS FARGO BANK
C/O JAMES A GESKE
WILFORD & GESKE

WELLS FARGO BANK, N.A.
C/O MCCALLA, RAYMER, ET AL.

And I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: January 22, 2007

/s/ Patricia Halverson
Patricia Halverson
Chapter 13 Office

